

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:**

**CHAPTER 13 CASE NO.:**

**CLAYTON CAMPBELL and  
DEIDRA CAMPBELL**

**19-10714-JDW**

**TRUSTEE'S SECOND OBJECTION TO CONFIRMATION**

COMES NOW Locke D. Barkley, Chapter 13 Trustee, by and through counsel, and files this Trustee's Second Objection to Confirmation (the "Objection") and in support states as follows:

1. The Debtor<sup>1</sup> initiated this proceeding with the filing of a voluntary petition for relief on February 19, 2019. The second amended Chapter 13 plan (Dkt. #41) (the "Plan") was filed on July 16, 2019.
2. The Debtor is below median income and has proposed a plan term of 60 months with a total distribution of \$13,971.65 to nonpriority unsecured creditors.
3. According to amended Schedule J (Dkt. #40), the Debtor's monthly net income is \$5,646.23. This is the minimum amount at which the plan payment should be set and nonpriority unsecured claims should be paid the funds remaining after disbursements to all other creditors provided for in the Plan. The current plan payment is \$3,115.00 which is less than the monthly net income.
4. As stated above, the proposed distribution to nonpriority unsecured claims is \$13,971.65. The nongovernment claims bar date has passed and the governmental bar date will pass on August 19, 2019. To date, the filed nonpriority unsecured claims total \$15,677.97. The Debtor has sufficient disposable income to pay a 100% distribution to the nonpriority unsecured claims.

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<sup>1</sup> The above-referenced Debtor or Debtors shall be referred to herein in the singular as Debtor unless specified otherwise (e.g. Debtor1 or Debtor2).

5. The Plan does not provide for the distribution of all projected disposable income to unsecured claims as required by §1325(b)(1)(B).

6. The Trustee requests that confirmation of the Plan be denied. Should the Debtor be delinquent in plan payments at the time of the hearing on this Objection, the Trustee also requests that the bankruptcy case be dismissed.

WHEREFORE, PREMISES CONSIDERED, Locke D. Barkley, Chapter 13 Trustee, prays that upon notice and hearing that this Court enter its order sustaining the Trustee's Objection and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: August 15, 2019

Respectfully submitted,  
LOCKE D. BARKLEY, TRUSTEE

BY: /s/ W. Jeffrey Collier  
W. JEFFREY COLLIER, ESQ.  
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#### **CERTIFICATE OF SERVICE**

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: August 15, 2019

/s/ W. Jeffrey Collier  
W. JEFFREY COLLIER